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King
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEORGE VANGELAKOS, IAN KING,
JOSEPH KORONAKIS, AND BARRY
WAYNE, Individually and on
Behalf of All Others Similarly
Situating,

Plaintiffs,

against Case No. 13 CV 6574

WELLS FARGO BANK, N.A.,
WELLS FARGO & COMPANY,
WFC HOLDINGS CORPORATION,
WACHOVIA CORPORATION, AND
WACHOVIA BANK, N.A.

Defendants.

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IAN RICHARD KING
New York, New York
Tuesday, April 23, 2014

Reported by: Steven Neil Cohen, RPR
Job No. 111194

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1 King
2 April 23, 2014
3 10:24 a.m.
4
5 Videotaped Deposition of IAN
6 RICHARD KING, taken by Defendants, pursuant
7 to notice, at the offices of Seyfarth Shaw
8 LLP, 620 Eighth Avenue, New York, New York,
9 before Steven Neil Cohen, a Registered
10 Professional Reporter and Notary Public of
11 the State of New York.
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1 King
2 APPEARANCES
3
4 SEYFARTH SHAW LLP
5 700 Milam Street
6 Suite 1400
7 Houston, Texas 77002-2797
8 Attorneys for Defendants
9 BY: TIMOTHY M. WATSON, ESQ.
10 KENDRA K. PAUL, ESQ.
11
12 WILLS LAW FIRM
13 1776 Yorktown
14 Suite 600
15 Houston, Texas 77056
16 Attorneys for Plaintiffs
17 BY: RHONDA H. WILLS, ESQ.
18
19 PADILLA & RODRIGUEZ, LLP
20 1776 Yorktown
21 Suite 110
22 Houston, Texas 77056
23 Attorneys for Plaintiffs
24 By: JOHN M. PADILLA, ESQ.
25 ALSO PRESENT:
Andrew Ritchie, Videographer
Andrew Ritchie, Videographer

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1 King
2
3 IT IS HEREBY STIPULATED AND
4 AGREED, by and between counsel for the
5 respective parties hereto, that the sealing
6 and filing of the within deposition be
7 waived; that such deposition may be signed
8 and sworn to before any officer authorized
9 to administer an oath; that all objections,
10 except as to form are reserved to the time
11 of trial.
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EXHIBIT

1

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1 King
2 BY MR. WATSON:
3 Q. Were you at your desk when you
4 were sending the e-mails?
5 A. Yes.
6 Q. Is there any way you could have
7 sent the e-mails while not being at your
8 desk?
9 A. No. The only -- that was the only
10 tool at our desk to send e-mails.
11 Q. Were you eating at your desk when
12 you sent the e-mail?
13 A. I mean, I don't know for sure but
14 it seems like it.
15 Q. Okay.
16 MR. WATSON: Exhibit 19.
17 (Notice of Consent was marked King
18 Exhibit 19 for identification)
19 MR. WATSON: Exhibit 20.
20 (Notice of Consent was marked King
21 Exhibit 20 for identification)
22 MR. WATSON: I just have one
23 copy of this.
24 I take it back.
25

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1 King
2 BY MR. WATSON:
3 Q. Exhibits 19 and 20 are notice of
4 consents that have been filed with the court
5 in this case and in a prior case that are
6 signed by you; is that right? Is that your
7 signature on both documents?
8 A. Yes.
9 Q. Do you recall signing these
10 documents?
11 A. Yes.
12 Q. Do you know, have you signed any
13 other consents or joined any other lawsuits?
14 MS. WILLS: Objection. Vague
15 and ambiguous. And it is compound.
16 The term "consents" is vague and
17 ambiguous.
18 BY MR. WATSON:
19 Q. Do you understand the question?
20 A. Related to the case that we are
21 speaking of today or related to any other
22 case?
23 Q. Anything. The case today or any
24 other case.
25 A. Yes. The only other civil suit I

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1 King
2 was ever a part of or class action was a
3 Slim Fast class action that I received a
4 letter in the mail for.
5 Q. Did you get some big money?
6 A. Six bucks.
7 MR. WATSON: Can we take a
8 break?
9 MS. WILLS: How much time do you
10 want to take a break?
11 MR. WATSON: We are going to be
12 comfortably through.
13 THE VIDEOGRAPHER: The time now
14 is 2:32 p.m.
15 This marks the end of tape
16 number 3.
17 Going off the record.
18 (Recess)
19 MS. WILLS: Let the record
20 reflect that in this cause plaintiffs
21 have requested of defendant's counsel
22 that the following witnesses be
23 produced, Veronica Ross, Janice Osdoby
24 and Michele Lee.
25 Tim Watson, lead counsel for

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1 King
2 defendants, has indicated to me that
3 defendants will produce Veronica Ross
4 as a witness in this matter if he is
5 able to reach her.
6 MR. WATSON: Yes. We would
7 certainly like to. She is a
8 management employee and we will
9 attempt to and I -- if she is in town
10 I am sure we will be able to but she
11 is no longer an employee just with
12 that caveat.
13 We will try to reach her as soon
14 as possible and make her available.
15 MS. WILLS: And to the extent
16 that defendants do not make her
17 available defendants' counsel
18 understand that plaintiff's counsel
19 will subpoena Ms. Ross for her
20 deposition.
21 We have agreed that Ms. Ross'
22 deposition may be taken after the
23 May 1 discovery cutoff by agreement of
24 the parties and we will try to
25 schedule it at a mutually convenient

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1 King
 2 time for the witness and the parties.
 3 Plaintiffs also have requested
 4 to depose both today and prior to
 5 today the deposition of Janice Osdoby
 6 and Michele Lee and, Mr. Watson, what
 7 is your response to that request?
 8 MR. WATSON: We believe that
 9 those depositions are not appropriate
 10 and will oppose them based on the for
 11 lack of a better term the Apex
 12 doctrine.
 13 MS. WILLS: As we have indicated
 14 to Mr. Watson we intend to seek the
 15 court's ruling on whether or not
 16 plaintiffs' counsel will be allowed to
 17 depose those two witnesses and we
 18 understand that given the May 1
 19 discovery cutoff that to the extent
 20 the court allows those depositions to
 21 go forward they may also take place
 22 after May 1 by agreement of counsel.
 23 MR. WATSON: True. We also --
 24 you also have agreed to make available
 25 the two other plaintiffs who have not

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1 King
 2 been deposed.
 3 MS. WILLS: That's correct.
 4 MR. WATSON: After the discovery
 5 cutoff.
 6 MS. WILLS: George Vangelakos
 7 and Joseph Koronakis are the
 8 plaintiffs that we have agreed that we
 9 will make available for deposition
 10 after the May 1 discovery cutoff and
 11 we will do that on a date that is
 12 agreeable for counsel and plaintiffs'
 13 witnesses.
 14 MR. WATSON: Very good.
 15 THE VIDEOGRAPHER: The time now
 16 is 2:49 p.m.
 17 This marks the beginning of tape
 18 number 4.
 19 We are back on the record.
 20 MR. WATSON: Exhibit 21.
 21 (E-mail was marked King Exhibit 21
 22 for identification)
 23 BY MR. WATSON:
 24 Q. Mr. King, you are now looking at
 25 an exhibit that has been marked Exhibit

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1 King
 2 Number 21.
 3 Do you see that?
 4 A. Yes.
 5 Q. Page 1 shows a message from Ian
 6 King at a Yahoo account. Is that your
 7 personal e-mail account?
 8 A. Yes.
 9 Q. It is sending something to your
 10 Wachovia account, is that right?
 11 A. No. It looks like it is coming
 12 from my Wachovia account and it is going to
 13 my personal account.
 14 Q. Okay. Earlier I believe you
 15 testified that you did not send work e-mails
 16 to your home account or vice versa.
 17 Is that what this appears to be?
 18 A. This looks like a personal airline
 19 ticket that I purchased through the
 20 Wachovia, to get discounts through, I don't
 21 know what it is called but it looks like I
 22 sent it from my work e-mail to my personal
 23 e-mail but I bought it through our work
 24 system so there was no other way to send it.
 25 Q. Okay. So did you ever use your

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1 King
 2 personal e-mail account to -- for Wachovia
 3 business?
 4 A. No.
 5 Q. Can you go to page 5595?
 6 Do you see at the bottom where it
 7 has those page numbers? Do you see at the
 8 bottom where it has the page numbers?
 9 A. Yes. 5595.
 10 Q. Is this more personal stuff that
 11 you are sending from your -- either from
 12 your work to home or vice versa?
 13 A. Yes. It looks like my wife
 14 forwarded me something from our priest to my
 15 work e-mail but that wasn't my doing.
 16 I sent it to my personal because
 17 it didn't belong in my work e-mail. That --
 18 Father Jerry is our priest.
 19 Q. Go to page 28260 please.
 20 A. 28260. Is it towards the back
 21 or --
 22 Q. Do you see at the bottom 28260?
 23 A. Yes.
 24 Q. Do you see that?
 25 A. 28260.